

**FILED**

**FEB 29 2024**

CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

From:

**Karina Safari**

**Owner & Registered Agent/Director**

**Safarika Travel Inc.**

**2522 Promontory Cir, San Ramon, CA 94583**

Attention To:

**Judge Edward J Davila**

**San Jose Court**

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA**

**SAN JOSE DIVISION**

NC  
**Case Number/ Civil Action No: 3:23-cv-5985-EJD**

**Date: Feb 29, 2024**

**Re: Case Management Submission – Tim Laman (Plaintiff) vs Safarika Travel Inc. (Defendant)**

**Your Honor,**

I, Karina Safari, representing "Safarika Travel Inc.", the Defendant in the mentioned case, respectfully submit the following information for your consideration during the case management process:

**1. Background of the Case:** The lawsuit pertains to alleged copyright infringement concerning an image of a blue-footed bird's paws posted on a third-party travel booking platform (WeTravel.com), under the tour product named "Galapagos Revealed" (the Trip), dated May 26 - 30, 2018.

**2. The image** at the time of being posted in a poor resolution (556 x 385 pixels), was generic, and the image does not feature a human model, diminishing its potential commercial value.

**3. Nature of WeTravel Platform:** The WeTravel is primarily a tool made for travel organizers to easily manage their group's bookings and collect payments from participants, rather than a platform intended for marketing or social media purposes. All images located on the trip description pages of the platform have an informative purpose about trip destinations and itineraries, rather than a promotional one for the tours.

**4. Test Trip:** The mentioned Trip in question was created as a "test version" and was never organized or conducted. It attracted zero (0) registered participants, and generated zero (0) sales or profits, as evidenced by the trip page and WeTravel reports.

**5. Availability of the Image:** The image was not technically available for booking after May 26, 2018, and was subsequently automatically archived into the "past trips" in the internal section of the platform, at the time when the copywrite for this image was registered.

**6. Copyright Registration Date:** The copyright registration for the image has an effective date of May 23, 2022.

**7. Prompt Response to Infringement Notification:** Upon receiving an infringement notification from Plaintiff's lawyer via the WeTravel platform on May 8, 2023, the Defendant immediately removed the questionable image on the same day and provided explanations by email, demonstrating respect for intellectual property rights.

**8. Aggressive Pursuit by Plaintiff's Lawyer:** Despite the Defendant's response, cooperation, and explanation, Plaintiff's lawyer from CopyCat

Legal aggressively pursued the Defendant via various means, demanding an exorbitant settlement amount of \$30,000 within 14 days of the receipt of the notice, otherwise enforcing a complaint to the court.

**9. Lack of Publication Intention:** The presence of the image on a digital platform accessible by Plaintiff was due to automated processes – like search engine indexing - inherent to website operations, not willful reproduction by Defendant.

**10. Service of Lawsuit:** The lawsuit was officially served to the Defendant on December 4, 2023, at the door of the Defendant.

**11. Legal Representation:** The Defendant has secured legal representation in Washington DC to facilitate communication with the Plaintiff's lawyer and navigate the legal proceedings effectively.

**12. Communication Attempts:** The Defendant's lawyer (Aaron Stark) contacted the Plaintiff's lawyer (Lauren Hausman), with the request for additional information on the cost of an image license to initiate settlement discussions. However, despite assurances from the opposing side, no tangible progress has been made in this regard till February 20, 2024. It is essential to note that Defendant has expressed willingness to discuss settlement terms upon receiving clarity on the cost of the photo license

**13. Recent Developments:** On Feb 20, 2024, Plaintiff's lawyer claimed non-receipt of previous emails from the Defendant and provided unrelated invoices yet failed to provide any official documentation regarding license costs.

In light of the mentioned points, I respectfully request the court's guidance and intervention to ensure a fair and just resolution of this

matter. We are prepared to cooperate fully and adhere to all legal proceedings.

Thank you for your attention to this submission.

Sincerely,

Karina Safari

Cel (310) 994 9710  
karina.safari@gmail.com

A handwritten signature in blue ink, consisting of a stylized, flowing line that loops around and ends with a long horizontal stroke. Below the signature, the name "Karina Safari" is written in a cursive script.